

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10) No. CR06-305TSZ
UNITED STATES OF AMERICA,)
11 Plaintiff,)
12) ORDER
13 v.)
14)
15 ALBERT KWOK LEUNG KWAN,)
16 Defendant.)

The Court has now reviewed the various motions pending before the Court in this case. The Court, being fully advised now enters this Order.

Defendant's Motion to Compel Discovery (Grand Jury Statements), docket no. 16, is GRANTED IN PART, and the Government shall provide Defendant with a copy of the transcript of the testimony as it relates to the Defendant's knowledge of or possession of firearms and spare parts. The Motion is DENIED as to the remaining portion of the Grand Jury Testimony.

Defendant's Motion to Reconsider the Court's Order to Seal and for a Protective Order, docket no. 29, is DENIED.

ORDER 1-

1 Defendant's Motion for Disclosure of Electronic Surveillance, docket no. 36, is
2 STRICKEN AS MOOT. The Government has represented to the Court that the Defendant
3 was not the subject of any electronic surveillance as defined in 18 U.S.C. § 2510(5).

4 Defendant's Second Motion to Compel Discovery (Surveillance Reports), docket no.
5 17, is GRANTED IN PART and the Government shall produce any reports of investigations
6 and surveillance reports concerning Mr. Kwan prior to the execution of the search warrant in
7 January 2005. The Motion is DENIED as to Defendant's request to produce any other
8 reports or documents related to the Thomas C. Wales Grand Jury Investigation. Defendant
9 has failed to make any showing that the additional materials requested are relevant to the
10 present charge against Defendant of knowingly possessing an unregistered machine gun.

11 The Court GRANTS the Government's Ex Parte Motion to Seal, docket no. 40; and
12 pursuant to the Government's request has now reviewed in camera the affidavit of Detective
13 Natale J. Gasperetti, dated January 12, 2005, consisting of 28 pages, which was the basis for
14 the search warrant of Defendant's premises and vehicle.

15 The Court will GRANT the Government's Motion for a Discovery Protective Order,
16 docket no. 23, and has signed a separate Protective Order.

17 The Court STRIKES AS MOOT the Defendant's Third Motion to Compel Discovery
18 of the Un-Redacted Gasperetti Affidavit, docket no. 18.

19 The Court DEFERS a ruling on Defendant's Motion to Extend Time for Filing
20 Pretrial Motions, docket no. 34, and schedules an in court hearing for Thursday, November
21 9, 2006, at 10:30 a.m., to discuss the trial date and other pretrial deadlines.

22 Defendant's Motion for Review and Revocation of Detention Order, docket no. 25, is
23 DEFERRED until the Court hearing on November 9, 2006. The Court will allow oral
24 argument on the Motion at that time.

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1 Defendant's Motion for Change of Venue, docket no. 33, is RENOTED for Thursday,
2 November 9, 2006. The Court will allow oral argument on the Motion at the hearing
3 scheduled for November 9, 2006.

4 IT IS SO ORDERED.

5 DATED this 7th day of November, 2006.

Thomas S Zilly
Thomas S. Zilly
United States District Judge

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ORDER 3-